

COMMISSIONERS APPROVAL

LUND *BL*

THOMPSON *AT*

CHILCOTT *ay*

TAYLOR (Clerk & Recorder)

Date.....January 3, 2006

Members Present.....Commissioner Betty Lund,
Commissioner Alan Thompson and Commissioner Greg Chilcott

Minutes: Glenda Wiles

The Board met to discuss the Board reorganization. Commissioner Thompson made a motion to appoint Commissioner Chilcott as Chairman of the Board and Commissioner Lund as Vice Chair. Commissioner Lund seconded the motion. All voted "aye".

The Board met for various administrative matters that included the following:

Commissioner Thompson made a motion to adopt the minutes of July 25, 2005 through August 19, 2005, as corrected. Commissioner Lund seconded the motion and all voted "aye".

Commissioner Lund made a motion to adopt Resolution No. 1789 to accept Option No. 2 in the First Interstate Bank proposal for the monies for the Event Pavilion construction. Commissioner Thompson seconded the motion and all voted "aye".

The Board met with Administrative Director Skip Rosenthal for an administrative and CTEP update. Administrative issues included an Employee Action Form, which the Information Technologies Director will discuss with the Board, and collective bargaining issues for semi-monthly payroll for the Deputies.

Skip also addressed the CTEP project in Darby. The Commissioners reviewed the schedule of services and scope of work agreement with Engineer John Horat on this project. The Commissioners agreed Skip should advise the group in Darby to move forward in utilizing John Horat's services. Skip noted that the State has no problem utilizing John Horat for these engineering services.

In regard to the CTEP project in Florence, Skip stated the overages on this project total approximately \$18,000. A representative of the State has indicated the overages are due to errors by the engineer. The Board concurred they would pay Blahnik Construction

what has been obligated on the CTEP Project, and allow the State to address the additional \$18,000 in costs.

In other business, the Board held an interview with Tim Tackes for the Weed Board position.

The Board met with Clerk & Recorder Nedra Taylor, and other Clerk & Recorder staff members, Tena Miller, Dana Ashman, Regina Wilson and Linda Beisel. Civil Counsel James McCubbin was also present. Nedra indicated they wanted to visit with the Board in regard to the land exemption process, since Planning Director Patrick O'Herren will be gone on a leave of absence. She stated they currently handle all the issues and Patrick has been reviewing them. Planning Staff members Renee Van Hoven and Karen Hughes were present for this discussion.

Commissioner Lund stated Nedra is an elected official, and as such she should be able to write the letters to the applicants either to approve or to deny their request for subdivision exemption. If there is an issue, the applicant can appeal Nedra's decision to the Board. James McCubbin stated Nedra does have the right to deny the recording of the document and if she denies the ability to record, then the Board of Commissioners do not have the ability to review any appeal.

Karen stated the Subdivision Regulations read that the letter to the applicant is sent out from the Planning Office. James stated they could change the regulations to reflect that Nedra can send the letter, but until that time, he stated the letter should come from the Planning Office. In regard to the appeal process, James stated they should review this process because any appeal by the Commissioners would not matter if Nedra will not record the exemption approval. He stated any approval or denial is the responsibility of the Clerk & Recorder.

It was noted that the Clerk & Recorder has finished the sixty applications that were originally given to her by the Planning Office, and they have six left for review. Renee stated Patrick has cleared all of the pending letters so there is no current backlog in their office.

Nedra stated she appreciated the Commissioners review of any applications that are denied. She stated it helps to have others review the appeal, and sometimes other facts are determined through that process.

Commissioner Lund asked if the Clerk & Recorder should be obtaining the \$200.00 in fees for this application process, rather than the Planning Office. There was some discussion of the fees being split according to the amount of work that is being done. Karen and Nedra agreed to work on the fee dispersal amounts.

In regard to the upcoming election, Nedra stated they have a projected cost of \$118,000.00 for the Precinct Counter (Model - 24 M 100). The State has agreed to pay for half of this cost. Nedra has approximately \$50,000.00 saved towards the purchase of

the counter. However, she will need an additional amount of money to handle the election process. Regina stated they would be surveying the polling places to make sure they are ADA compliant. They will put a committee together to review the locations.

Commissioner Lund agreed to work with this committee. It was also agreed to see if the budget would allow the purchase of two counters, which would provide the County with four counters, because the State will pay for the other two counters.

Nedra also addressed having other County personnel to help at the polls. Regina stated it helps to have someone who is knowledgeable in computers because many of the volunteers do not feel comfortable working with the computer software programs. She stated this will be a new system/program and wants to make sure the election process goes well. The Board concurred and added that the Information Technologies Department could be useful during this time, but asked how the employees would be funded. Commissioner Lund suggested they allow employees to accrue comp time and to also review what monies are available from the overtime line of the Clerk & Recorder. It was agreed that the Clerk & Recorder should visit with other Department Heads to ascertain what employees would be willing to assist during the election time.

In other business, the Board met with Richard and Rita Holmes in regard to a decision by the Department of Transportation (DOT) to condemn their home and business due to the Highway 93 construction. They were given a one-year lease on their house, but can also be given a 30-day notice by the DOT. Richard noted they were not given any compensation for their business. Present at this meeting was Clerk & Recorder Nedra Taylor, Dana Ashman and Civil Counsel James McCubbin due to the denial of a subdivision exemption application by Richard Holmes for property on Willow Creek. Richard relayed because he needs to move from his condemned home on Highway 93, he wants to build a house on Willow Creek Road and has applied for a subdivision exemption.

Richard relayed in 1999 a perk test was done on this 24 acres on Willow Creek Road. The perk test passed with the stipulation to move a ditch. Two nitrate tests were done and the last test was ok. The ditch was moved in order to obtain a septic permit. The Environmental Health Office stated there was another septic system located there (which is his mother's house), so they suggested the Holmes go through the family transfer application process. They went through the process and received a letter of denial from Patrick O'Herren.

He stated they are not attempting to evade any regulations. They must have a home, which they already have a loan on. They have been in their current location for 30-years. They have used up five months of the 12 months that the State has given them to move out.

James stated the Board should determine if this is subject to subdivision regulations or not. In a review of the exemption process, the Board needs to review if an exemption has been done in the past or if there is an attempt to evade the subdivision process. Richard

stated the existing home has been there for over 30 years. Nedra stated this exemption would allow the separation of properties in order to allow the second septic. It was noted that Richard's son has his home on other property and is not part of this 24-acre parcel.

Richard stated there are extenuating circumstances because the highway is forcing them out of their current home. He stated they do not have the money to buy another piece of property. Dana stated the denial was based on the fact that the parcel Richard Holmes wants to divide is a remaining parcel from a previous division. Also, when a husband and wife hold the deed together, and the husband deeds his interest to the wife, a family transfer application occurs and it 'throws up a red flag'. Richard stated that is what Applebury Survey and the Environmental Health Office advised him to do. He stated he does not have time to go through the subdivision review process and he does not intend to sell this property.

Nedra stated they only have the application to make this judgment call and they had no knowledge of the other issues from the application. Commissioner Chilcott asked Nedra if her conclusion to this request has changed due to this new information. Nedra stated due to the extenuating circumstances, she does not feel this is an attempt to evade the subdivision regulations and she would feel comfortable recording this exemption. James stated the Planning Department should present a letter stating this exemption is approved. Nedra will put together the facts allowing her to record the document. Nedra advised Richard the plat needs to be recorded prior to the septic permit being issued.

In other business the Board met with Road Supervisor David Ohnstad in regard to a road update, discussion of the 7-year operating plan and design review criteria of roads.

The Board made a site visit to the Grand Vista and Schrage Subdivisions during the latter part of the afternoon.